

**Approved For Release 2002/01/09 : CIA-RDP73B00296R000300230030-1**

Note: see legislation file for background

papers - H. R. 8085

**State Dept., Commerce, OMB declassification & release instructions on file**

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OMB rule  
S. 11

19 February 1971

Mrs. Naomi R. Sweeney  
Office of Assistant Director  
for Legislative Reference  
Office of Management and Budget  
Washington, D. C. 20503

Dear Mrs. Sweeney:

This is in response to your request for our views on the Civil Service Commission's draft bill "Relating to age requirements for appointments to positions in Executive agencies, and in the competitive service."

The draft bill extends the current ban on maximum age limits for entry into the competitive service to include all civil service positions. It also authorizes the Civil Service Commission to except specific positions from the ban.

It is understood that the chief aim of the draft bill is to eliminate the necessity for legislation for each exception to the current outright ban. Since Agency positions are not within the competitive service, we have no substantive comments on the need for such relief.

The provision in the draft bill for Civil Service Commission review of the qualifications and responsibilities of positions in order to make a determination that age is a bona fide occupational qualification reasonably necessary to the performance of duty does present a problem, however. This external review would conflict with the statutory security responsibilities placed upon the Director of Central Intelligence "...for protecting intelligence sources and methods from unauthorized disclosure;" (50 U.S.C. 401). The nature of Agency positions and the duties performed by the incumbents, are inextricably related to the security responsibilities of the Director of Central Intelligence.


State Dept., Commerce, OMB declassification & release instructions on file

In recognition of the general security considerations which are here involved, the Central Intelligence Agency Act of 1949 provides, "Notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions, including - (1) personal services, including personal services without regard to limitations on types of persons to be employed, ..." (50 U.S.C. 403j). Subsequently, and as a correlative of this authority and the Director's statutory responsibility, CIA positions have been specifically exempted from statutes governing civil service positions, e. g. the Classification Act of 1949 and the Personnel Rating Act of 1950.

In view of the above considerations, it is requested that CIA positions be specifically exempted from the provisions of the draft bill. Such action is completely consistent with what has been proposed and approved in the past in connection with similar legislation. Suggested language is enclosed.

Sincerely,

25X1A

  
John M. Maury  
Legislative Counsel

Enclosure

Distribution:

Original & 1 - Adse  
1 - Subject file  
1 - OLC Chrono  
OLC:LLM:rcr (19 February 1971)

ATTACHMENT

Proposed amendment:

"Sec. 4. This Act does not apply to positions in or under the Central Intelligence Agency."

5 January 1971

GLC:

1. Proposed report of Agency's views for your signature to OMB.

2. This is a straight-out four-year extension of the export control authority.

3. [REDACTED] favors extension in view of our role as "principal" where protection of intelligence sources and methods is involved. In view of our positive interest, I felt our report should "favor" the proposal rather than find "no objection". However I do not think that we should elaborate because this could become a political issue and the need for a stronger position would be premature at this time and may be volunteering for trouble.

[REDACTED]  
LLM

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OMB File

6 JAN 1971

Mr. C. William Fischer  
Deputy, Legislative Reference Division  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Fischer:

This is in response to your request of 14 December 1970 for the views of this Agency on Department of Commerce draft bill "To provide for continuation of authority for regulation of exports."

This Agency supports the extension of the Export Administration Act of 1969 proposed by the Department of Commerce.

Sincerely,

25X1A



Acting Legislative Counsel

Distribution:

Orig & 1 - Adse

1 - OER

1 - OLC Chrono

1 - OLC Subject

OLC:LLM:rcr (5 January 1971)

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
UNCLASSIFIED	<input checked="" type="checkbox"/>	CONFIDENTIAL	SECRET
<b>OFFICIAL ROUTING SLIP</b>			
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1	DDI	23 Dec	RJS
2	OLC - 7D35 Hq.		
3			
4			
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ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE
Remarks:			
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FROM: NAME, ADDRESS AND PHONE NO.			DATE
D/OER 4F18 Hq. [REDACTED]			22 Dec70
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STATINTL



**CONFIDENTIAL**

22 December 1970

MEMORANDUM FOR: Office of Legislative Counsel  
THROUGH : Deputy Director for Intelligence  
SUBJECT : Comments on Proposed Extension of  
the Export Administration Act of  
1969 to 1975

1. This memorandum is in response to your request for our views on the subject proposal.

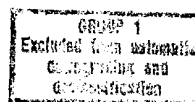
2. CIA is involved in export control programs from two standpoints:

a. As a principal in those export control items which could affect intelligence sources and methods; and

b. As an intelligence advisor to export control action agencies on all other items subject to export regulations.

With respect to the latter role of providing intelligence support, the proposed bill would essentially extend our present support activities from 1971 (when the existing Act is scheduled to expire) to 1975. Such an extension would have a minimum impact on our mission or workload.

3. We act as a principal in the export control system administered by the Department of Commerce under the provisions of the Export Administration Act of 1969 in those cases where the protection of intelligence sources and methods is involved. In this role, we are primarily concerned with denying to Communist countries access to advanced Western electronics equipment which would either significantly enhance the security of their military and civilian communications, or enhance their ability to collect intelligence on US and NATO-related military targets. For example, we continue



~~CONFIDENTIAL~~

to object to release of high-performance video tape recorders which can and have been used by Communist countries to intercept information on Western air defense exercises.

4. In connection with the responsibilities which the Agency discharges on items covered by paragraph 3, we believe it would be important to continue to deny to Communist countries advanced Western technology which would compromise US and allied intelligence sources and methods or improve Communist collection capabilities. Therefore, we believe that the extension of the subject Act from 1971 to 1975 would be a positive and desirable move, since during this period there will be a significant gap between advanced electronics equipment in the West, particularly in the US, and that available within Communist countries.

25X1A



Director  
Economic Research

**CONFIDENTIAL**

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THROUGH : Deputy Director for Intelligence  
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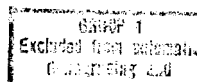
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25X1A

  
Director  
Economic Research

Distribution:


Orig. & ① - Addressee

1 - ODDI

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25X1A

OD/OER:  (22 Dec 70)

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## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Draft Bill - "To provide for continuation of authority for regulation of exports."

FROM:

Legislative Counsel  
7D35 Hqs

EXTENSION

NO.

DATE 21 December 1970

STATINTL

TO: (Officer designation, room number, and building)

DATE

OFFICER'S  
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. DD/I

2.

3. ~~D/OER~~

4.

5. ~~DDT~~

6.

7.

8.

9. OLC  
7D35

10.

11.

12.

13.

14.

15.

May we have your suggestions for a response to OMB's request for our views on the subject bill.

You will note that the Agency's response is due back to OMB by 13 January.

1-3

Ed -

Any comments?  
Bob

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OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

OLC 70-1872

December 14, 1970

LEGISLATIVE REFERRAL MEMORANDUM

To: Legislative Liaison Officer

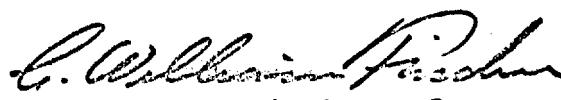
Department of Agriculture	Department of the Interior
Atomic Energy Commission	Department of Justice
Council of Economic Advisers	Small Business Admin.
Central Intelligence Agency ✓	Department of State
Department of Defense	Department of the Treasury

Subject: Department of Commerce draft bill "To provide for continuation of authority for regulation of exports."

The Office of Management and Budget would appreciate receiving the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with Budget Circular A-19.

- (x) To permit expeditious handling, it is requested that your reply be made within 30 days.
- ( ) Special circumstances require priority treatment and accordingly your views are requested by

Questions should be referred to Woody Small (103 X 4874), (103 X 3875) or to Jay Paul Brenneman the legislative analyst in this office.

  
C. William Fischer, for  
Assistant Director for  
Legislative Reference

Enclosures

Commerce draft



GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE  
Washington, D.C. 20230

DEC 8 1970

Honorable George P. Shultz  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Dear Mr. Shultz:

The Department of Commerce has included in its legislative program for the 1st Session, 92nd Congress a proposal (Item No. 4)

"To provide for continuation of authority for regulation of exports,"

Enclosed are four copies of the draft bill, together with a statement of purpose and need in support thereof.

Your advice is requested as to whether there would be any objection to the submission of our draft bill to the Congress.

Sincerely,

JAMES T. LYNN

General Counsel

Enclosures

A BILL

To provide for continuation of authority for regulation of exports.

Be it enacted by the Senate and House of Representatives  
of the United States of America in Congress assembled, that  
section 14 of the Export Administration Act of 1969 (83  
Stat. 847; 50 U.S.C. App. 2413) is amended by striking out  
"1971" and inserting in lieu thereof "1975".



STATEMENT OF PURPOSE AND NEED

The proposed legislation would extend until June 30, 1975, the Export Administration Act of 1969 (50 U.S.C. App. §2401-2413) which is now scheduled to expire by its terms on June 30, 1971.

The Export Administration Act of 1969 authorizes the President to regulate exports of U. S. goods and technology to the extent necessary (a) to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand, (b) to further significantly the foreign policy of the United States and to fulfill its international responsibilities, and (c) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States. One of the policy declarations in the Act encourages trade with all countries with which the United States has diplomatic or trading relations, except those with which such trade has been determined by the President to be against the national interest. Another policy declaration provides that U. S. economic resources and trade potential should be used to promote the sound growth and stability of the economy, as well as to further national security and foreign policy objectives.

The Department maintains a list of certain commodities and technical data which are under export control to the U.S.S.R., and other Communist destinations in Eastern Europe. Export to such destinations are approved, denied or limited, as required by U.S. national security. In addition, U. S. exports are generally prohibited to Cuba, Communist China, North Korea, and North Vietnam, to prevent detriment to U.S. national security, and on foreign policy grounds. Validated export licenses (issued on the basis of applications submitted by exporters) are required for exports of a limited number of strategic commodities and technical data to free world countries, except Canada, principally to prevent their diversion to destinations to which direct U.S. exports are generally denied or restricted.

The tensions and uncertainties of world political affairs will probably make it vital for some time in the future to continue the President's authority to control exports in conformity with U. S. foreign policy and security objectives. The United States should not be left without authority to exercise flexibly such control when and to the extent necessary.

We urge consideration of the enclosed draft bill by the Congress as early in this session as possible in view of the Act's scheduled expiration on June 30, 1971. Prompt extension of the legislation is needed to prevent any doubt here or abroad concerning the continuance of this important facet of our national security program, as well as for budgetary, planning, and personnel reasons.

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PAGE 02 BONN 05774 131902Z

4. OUR CONCERNS REMAIN RELATED PRIMARILY TO INTELLIGENCE OPERATIONS CONDUCTED IN BERLIN. BUT WE FEEL THAT GAO WILL AGREE WITH US THAT ANY INFORMATION THEY ARE AUTHORIZED AND DO OBTAIN IN THIS AREA MUST REMAIN IN THE REALM OF THE CLASSIFIED.

5. USMISSION BERLIN HAS POINTED OUT THAT WE SHOULD BE UNDER NO ILLUSIONS THAT THE RESULTS OF THE AUDIT WILL BE PUBLICITY ABOUT THOSE SUBJECTS THAT FALL UNDER THE GENERAL HEADING OF EXTRAVAGANCE, E.G., TRAINS, BOATS, HOUSES. WE DO NOT LOOK UPON ANY OF THESE ITEMS AS BEING NECESSARILY EXTRAVAGANT UNDER THE CIRCUMSTANCES EXISTING IN BERLIN, BUT WE REALIZE THAT OTHERS COULD.

6. THE AMBASSADOR HAS SUGGESTED THAT ITEMS SUCH AS TRAINS, WHICH ARE UNIQUE TO BERLIN, MIGHT BE GIVEN SOME ADVANCE PUBLICITY AND EXPLANATION SO THAT ANY FUTURE HEADLINES WILL BE LESS DRAMATIC IN TERMS OF IMPACT THAN MIGHT OTHERWISE BE THE CASE. WE WILL EXPLORE HOW BEST TO PURSUE THIS COURSE OF ACTION. PERHAPS THE DEPARTMENT WOULD LIKE TO CONSIDER MEANS ALSO.

7. THE AUDIT BEING NOW INEVITABLE, WE SHOULD RELAX AND ENJOY IT.

RUSH

SECRET